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TAGS: [PREL](#) [UNGA](#) [UNAU](#) [KVIR](#) [WA](#)
SUBJECT: KOSOVO ICJ RESOLUTION AT UNGA: NAMIBIA UNDECIDED
BUT INCLINED TO SUPPORT

REF: A) STATE 91908 B) WINDHOEK 200

Classified By: Ambassador Dennise Mathieu for reasons 1.4 (B) and (D).

¶1. (C) DCM delivered reftel talking points on September 2 to MFA Director for Multilateral Affairs Martin Andjaba. He underscored that UNGA's approval of the Serbian resolution could have adverse consequences, impeding the international community's efforts to address the pressing needs of Kosovo and the region, at a very delicate time.

¶2. (C) Andjaba (Namibia's former UN permrep from 1996-2006) agreed that this was a delicate issue. Namibia has not yet taken a position on the proposed resolution, he said, but his personal view was that there is little harm in asking the ICJ for an advisory opinion. The opinion would not be binding, he said, and UN Member States could still make their own decisions about Kosovo's independence according to their own national interests. He explained that Namibia has a history with indigenous secessionist movements and is thus extremely sensitive to unhelpful international precedents -- that is why it had not recognized Kosovo, he pointed out.

¶3. (C) DCM explained why the USG did not consider Kosovo a precedent (genocide, followed by a period of international administration and UN-brokered final status negotiations). He reiterated that it was impossible to predict what the ICJ might find, and an advisory opinion could have unexpected and profound implications for countries around the world faced with internal independence and secessionist movements. Andjaba acknowledged the point but said it could be helpful to hear the ICJ's views on the legal basis for Kosovo's independence. Asked what will happen to the Serb communities in Kosovo, DCM noted that the Ahtisaari Plan and, subsequently, the Kosovo constitution contained stringent provisions for the protection of those ethnic minority communities.

¶4. (C) Comment: Andjaba's personal view likely reflects the position the GRN will take at the UNGA -- Namibian support for the Serbian resolution. As previously reported (ref B), the GRN does not support Kosovo's declaration of independence. Andjaba repeated several times that an ICJ advisory opinion would be non-binding, and he seemed to see it primarily as a step useful to countries in deciding whether or not to proceed with recognizing Kosovo. The only argument that might have resonance with the GRN is the unpredictability of an ICJ opinion and its potential unhelpful impact on Namibia's own domestic concerns. And that is one we will continue to press in our conversations with other decision-makers.

MATHIEU